

A Regular Meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the twenty-first day of June 2006, at 7:30P.M, and there were present:

PRESENT: Stanley J. Keysa, Chairman  
Rebecca Anderson, Chairman  
John Gober, Member  
Lawrence Korzeniewski  
Michael Myszka, Member  
Melvin Szymanski, Member

EXCUSED: Steven Socha, Member

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff: Robert Harris, Engineering Consultant - Wm. Schutt & Associates  
Jeffrey H. Simme, Building & Zoning Inspector  
John Dudziak, Deputy Town Attorney (Arrived at 8:05PM)  
Mary Nowak, Recording Secretary

June 21, 2006

Planning Board Members: Stanley J. Keysa, Chairman  
Rebecca Anderson  
John P. Gober  
Lawrence Korzeniewski  
Michael Myszka  
Steven Socha  
Melvin Szymanski

Town Board Members: Robert H. Giza  
Daniel Amatura  
Mark A. Montour  
Ronald Ruffino, Sr.  
Donna G. Stempniak

Engineering Consultant: Robert Harris, Wm. Schutt & Associates

Deputy Town Attorney: John M. Dudziak

Highway Superintendent: Richard L. Reese, Jr.

Building & Zoning Inspector: Jeffrey H. Simme

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held June 21, 2006. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Stanley J. Keysa  
Planning Board Chairman

SJK:mn  
Encl.

Meeting called to order by Chair Keysa at 7:33 PM. Motion was made by Michael Myszka to approve the minutes from the June 7, 2006 Planning Board Meeting with the following corrections: OTHER MATTERS - (Heritage Trail Bike Path) Once it reaches the former Delaware, Lackawanna, and Western Railroad right-of-way, it will follow the ROW eastward to Townline Road. There will be parking for the people using this trail. Rebecca Anderson questioned the maintenance of the trail. McCracken said that sweepers would be sent through the trail, as required. Motion was seconded by Rebecca Anderson and unanimously carried.

PLEDGE OF ALLEGIANCE

COMMUNICATIONS -

## **ACTION ITEMS -**

**REZONE PETITION - THEODORE B. KULBACKI, PRESENT ZONING IS R-1 VACANT LAND, PROPOSED ZONING MFR-3. MULTI-FAMILY RESIDENTIAL DISTRICT THREE FOR 88 PATIO HOMES. LOCATION OF THE PROPOSED PATIO HOMES IS THE SOUTH SIDE OF COMO PARK BLVD, NORTH OF TRANSIT BLVD.**

Ralph Lorigo, Attorney, representing owner Theodore Kulbacki, presented to the Planning Board the plans for the proposed rezone of the 15.3-acre parcel located on the south side of Como Park Boulevard, north of Transit Boulevard. The north entrance to this development will be off of Storer Road, and the south entrance will be off of Wendell Street. The current zoning of this parcel is R-1. Proposed zoning is MFR-3 for 88 patio homes. This patio home development will be a private community with a homeowners association. Roads and utilities will be private. The homes will not have any tax advantages. Mr. Lorigo told the Planning Board that the pavement will be 24-feet wide with 18-inch L-shaped curbs making the road width 27 feet from curb to curb. The distance from the front of the garages to the pavement will be 21 feet. Sidewalks will be 5-feet wide on one side of the street. The plan shows the distance between the rear of the patio homes and Penora Street will be 200 feet. This buffer area will be left wooded and no trees will be removed. Drainage - The plan shows stormwater management at the northwest corner of the development. Mr. Thornton explained that the stream will be relocated through the buffer area. As a result the west side of the buffer may need to be graded. A snow removal area will need to be designed into the plan. Chair Keysa referred to Com. 6-21-27 from New York State Dept. of Environmental Conservation with comments regarding a number of issues with this project including archeological sensitivity and wetlands. The applicant will need to meet with NYSDEC, Erie County Health Dept., and the Army Corp of Engineers before proceeding further with this project.

## **DETERMINATION**

At the request of the applicant, this project is adjourned to the July 19, 2006 Planning Board meeting. The applicant must meet with NYSDEC, Erie County Health Dept., and the Army Corp of Engineers to address the issues stated in Com. 6-21-27 from NYSDEC before returning before the Planning Board. Motion to adjourn this project was made by John Gober, seconded by Lawrence Korzeniewski and unanimously carried.

**REZONE PETITION - PARK LANE APARTMENTS, LLC, 6105 TRANSIT ROAD, SUITE 140. PRESENT ZONING IS R-1, PROPOSED ZONING IS MFR-4 MULTI-FAMILY, PROPOSING 72 UNITS, 1,2, & 3 BEDROOM APARTMENTS. LOCATION IS VACANT LAND BEHIND KOHL'S DEPARTMENT STORE.**

Marc Dean, Dean-Sutton Architects, David Huff, Michael Fitzpatrick, and Brett Fitzpatrick, partners presented to the Planning Board the plans for the proposed rezone of the 16-acres parcel located behind Kohl's Dept. Store on Transit Road. The project will consist of six apartment buildings with twelve units in each building. The units will have 1, 2, or 3 bedrooms. All first floor units will be handicap accessible. The property to the north is zoned MFR-4 and is owned by the same corporation as the proposed rezone property. The vacant property to the south is zoned MFR-3 and the property to the east is zoned R-1. Mr. Dean told the Planning Board that this project will develop four acres of the parcel leaving 75% of the parcel as greenspace. Access to this project will be through the adjacent property to the north by easements. Buffer area - Mr. Dean stated that the 250-foot buffer area between this project and the residential development to the east of this project will be left in its natural state,

and that more trees will be planted. Member Anderson suggested a permanent conservation easement for this area. Councilmember Donna Stempniak stated that a permanent conservation easement would require policing and that she preferred a berm and fence as a visual buffer. The Planning Board suggested that if the buffer area is bermed, underground pipes on both sides of the berm would help with drainage. Drainage - Mr. Huff told the Planning Board that the property to the north can support the stormwater detention from this project and that the water and sewers for this project would also be tied into the property to the north. Councilmember Donna Stempniak asked the Planning Board what type of zoning was indicated for this area on the Master Plan. After consulting the Master Plan map, Chair Keysa stated that this part of Transit Road was slated for mixed-use zoning: residential, commercial and office.

## DETERMINATION

Based on the information presented to the Planning Board, Melvin Szymanski made a motion to recommend approval of the rezone with the following notations: 1. The 250-foot buffer area between this project and the residential development to the east will need to be bermed or be a permanent conservation area. The pros and cons of both types of buffers were discussed. 2. Drainage issues for a bermed buffer area to be addressed. Motion seconded by Rebecca Anderson and duly carried by a vote of 5 ayes and 1 nay (Member Myszka).

## OTHER MATTERS -

Patio Home Development Specifications - Chair Keysa asked Consulting Engineer Robert Harris to draw up a list of the specifications that have been resolved by the Planning Board regarding patio home developments within the Town of Lancaster. The specifications listed will be those that apply to Parkhaven Patio Home Development and Pleasant Meadows Patio Homes and will include: street width, type of curbs, sidewalk width, distance between houses and street, and driveway length. These specifications will be submitted to the Town Board.

At 9:15 PM Melvin Szymanski made a motion to adjourn the meeting. Motion seconded by John Gober and unanimously carried.